IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 18154 of 2003

Between:

1 D.N.Elumalai, S/o. Late Narayanaswamy,
residing at Bazar Street, Puttur, Chittoor District.
2 D. Kuppaswamy, s/o late Narayanaswamy,
residing at Bazar Street, Puttur, Chittoor District.
3 D. Nagappa, S/o. late Narayanaswamy,
residing at Bazar Street, Puttur, Chittoor District.
4 D.N.Srinivasan, S/o. Late Narayanaswamy,
residing at Bazar Street, Puttur, Chittoor District.
5 D.N.Kumar, S/o. Muthu Murugappa Mudali,
residing at Bazar Street, Puttur, Chittoor District.
6 D. Leela Sekhar, W/o. D.M.Sekhar,
residing at Bazar Street, Puttur, Chittoor District.
7 K. Nagaraja Naidu, S/o. Late K.Kalappa Naidu,
residing at Kalyanapuram Village, Puttur Mandal, Chittoor District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep., by its Principal
Secretary, Social Welfare Department, Secretariat, Hyderabad.
2 The District Collector, Chittoor.
3 The Joint Collector, Chittoor.
4 The Revenue Divisional Officer,
Chittoor.
5 The Mandal Revenue Officer,
Puttur, Chittoor District.
6 The District Social Welfare Officer,
Chittoor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in purporting to acquire the petitioners lands in Sy.No.86/2 situated in Puttur Village Accounts, Puttur, Chittoor District, as arbitrary, discriminatory and contrary to law and consequently direct the respondents either to earmark the Govt. poramboke land in Sy.No.1 of the Puttur Village Accounts as per the recommendations of RDO vide letter No.Roc.J/1486/2001 dated 16-12-2001 or alternatively accept the petitioners lands in Sy.No.92 of Puttur Village Account free of cost for the purpose of burial ground and consequently direct the respondents to drop further proceedings in respect of the lands in Sy.No.86/2 and with all other consequential benefits.

Counsel for the Petitioners : MR.V.JAGAPATHI

Counsel for the Respondents: Government Pleader for Land Acquisition.

The Court made the following:

O R D E R :

1. This Writ Petition is filed with a prayer to issue writ of mandamus declaring the action of the respondents in purporting to acquire the petitioners lands in Sy.No.86/2 situated in Puttur Village Accounts, Puttur, Chittoor District, as arbitrary, discriminatory and contrary to law and consequently direct the respondents either to

earmark the Government poramboke land in Sy.No.1 of Puttur Village Accounts as per the recommendations of RDO vide letter No.Roc.J/1486/2001 dated 16-12-2001 or alternatively accept the petitioners lands in Sy.No.92 of Puttur Village Account free of cost for the purpose of burial ground and consequently direct the respondents to drop further proceedings in respect of the lands in Sy.No.86/2 and with all other consequential benefits.

2. Heard the learned counsel for the petitioners and the Government Pleader for Revenue for the respondents.

3. Learned counsel for the petitioners submits that if a part of the land in Sy.No.86/2 situated in Puttur Village Accounts, Puttur, Chittoor District is acquired, the other parts would be unfit for any use and in which case the petitioners would suffer irreparable loss. He would also contend that the selection of the land in Sy.No.86/2 situated in Puttur Village Accounts, Puttur Chitoor District is wholly unwarranted in view of the fact that a suitable land is available in Sy.No.1 of Puttur Village Accounts. Learned Government Pleader for Revenue submits that no part in Sy.No.1 can be spared for burial ground and since it is situated at tank bed poramboke.

4. As could be seen from the records, the petitioners submitted a representation dated 28.5.2003 detailing the objections for selection of the land for the purpose of burial ground. It is contended by learned counsel for the petitioners that the petitioners converted land under Survey No.86/2 into house plots and disposed of all the house plots. Such is the case the petitioners are at liberty to submit their representation to the respondents raising objection with regard to the acquisition of land. In the event of the petitioners filing such a representation to the appropriate authority within one month from today, the same is required to be disposed of by the respondents within two months thereafter.

5. With the above direction, this writ petition is disposed of. No costs.

Tnb

Dated: 8th June, 2005. (B.Seshasayana Reddy,J)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Social Welfare Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The District Collector, Chittoor.
3 The Joint Collector, Chittoor.
4 The Revenue Divisional Officer,
Chittoor.
5 The Mandal Revenue Officer,
Puttur, Chittoor District.
6 The District Social Welfare Officer,
Chittoor.

7 2 copies to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad. (OUT)

8 2 CD copies